



ACT



Against false Musters and free Quarters, and anent due Paying of Their Majesties Forces.

At Edinburgh, the ninth of May 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, and the Estates of Parliament, taking to their Consideration, that it will contribute much to Their Majesties Service, that all Fraud and Deceit in making of false Musters, be obviated & prevented, & that the Pay destinat and appointed to the Souldiers be not kept up by their Officers and others, intrusted with the payment of the Souldiers, but that their Pay be effectually given them. Therefore, the King and Queens Majesties and Estates of Parliament, Statutes and Ordains, that if any Person, Officer, or other of Their Majesties Forces, as well in Castles and Garrisons as Others, shall make, or give, or procure to be made or given, or make use of any false or untrue Certificat, thereby to excuse any Souldiers for their absence from any Muster or other Service, which they ought to attend or perform, upon a pretence of sickness or other cause, that then every Person so making, giving, or procuring such Certificats, shall be fyned for every such offence, in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer, and if he be an Officer that contraveens, he, beside the fine of one thousand Merks, shall be Cashiered and Displaced, and shall be Incapable of any Military Office or Employment within this Kingdom, and every Officer that shall make any false or untrue Muster of Man or Horse, and every Commissary, Muster-master, and other Officer, that shall allow or sign the Muster-roll, wherein such false Musters is contained, shall be Cashiered and loss their Office, and shall be Incapable of any Military Office or Employment, within this Kingdom, and shall likewise, be fyned in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer, and for the more effectual preventing of false Musters, Statutes and Ordains, that every Commissary or Muster-master, upon any Muster to be made, shall be obliged, to give notice a convenient time before, to the Magistrats of the Burghs, or Sheriffs of the Shyres, or their Deputs, or Baillies of Royalty or Regality, or their Deputs, or Stewarts of Stewartries, or their Deputs, within whose Jurisdictions the Muster is to be made, and the Magistrats of the Burgh, in case the Muster be to be

be made within a Burgh, and the Sheriff or their Deputs, when the Muster is to be made within a Sheriffdom, and the Baillie of the Regality or his Deputs, when the Muster is to be made within a Regality, and the Stewart of the Stewartries or their Deputs, when the Musters is to be made within a Stewartry, to be present at every such Muster, and give their utmost Assistance, for the discovering of any false or untrue Muster, and every Commissary or Muster-master, that shall neglect to give notice as said is, or shall refuse to take the Assistance of the Magistrates of Burghs, when the Muster is made within a Burgh, or of the Sheriffs, Baillies of Regalities and Royalties, and Stewarts, or their Deputs, when the Muster is made within their respective Jurisdictions, the Commissary or Muster-master so offending, shall lose his Office, and be fined in the Sum of one thousand Merks, the one half to Their Majesties use, and the other half to the Informer, and no Muster-roll shall be allowed, unless the same be signed by the Magistrat of the Burgh, or Sheriff of the Shyre, or Baillies of Regalities and Royalties, or Stewarts or their Deputs, within whose Jurisdictions the Muster is made, and if any person shall be falsely mustered, or offer himself falsely and deceitfully to be mustered, upon Certificat thereof under the hand of the Muster-master, or chief Magistrat of the place, who shall be present at the mustering, he shall be Imprisoned for the space of a Moneth, & shall have his right ear cut off, & if any Person shall wittingly & willingly, lend or furnish a Horse to be mustered, which shall not truly belong to the Trooper, or Dragoon, or Troop mustered, the said Horse so falsely mustered, shall be Forefaulted to the Informer, if the Horse doth belong to the Person, Lending or Furnishing, and if the Horse do not belong to the Lender or Furnisher, he shall be fined in the Sum of five hundred Merks, to be payed to the Informer, and if he be an Officer that Lendeth or Furnisheth a Horse to be mustered, which doth not truly belong to the Trooper or Dragoon mustered, every such Officer so offending, shall be fined in the Sum of five hundred Merks, to be payed to the Informer, which shall be payed out of the Arrears of the said Officers Pay, by the Order of the Court-martial to the Pay-master, if the said Officer shall have any Arrears due to him, and if there shall be no Arrears due to the said Officer, the Court Martial shall immediatly give Order, to seize the Goods of the said Officer, and sell them for payment of the Fyne, which is to be given to the Informer, the Superplus that is more than pays the said Fyne, being alwise restored to the Owner, and if the Officer so offending, shall have no Goods, that then he shall be committed to Prison, there to remain for the space of six Moneths, and the Court Martial shall discharge the Informer, if he be a Souldier, from any further Service, if he demand the same, and if any Pay-master, or Clerk of any Regiment, Troop, or Company, shall detain and withhold by the space of a Moneth, the pay of any Officer or Souldier, (Cloaths and all other just Allowances being deduced,) after the Pay shall be received, or if any Officer having received their Souldiers Pay, shall refuse to pay every common Souldier their respective Pay, when it shall become due, the Pay-master, Clerk, or Officer so offending, shall lose his office or Employment, and shall be fined in two thousand Merks, to be payed to the Informer, and to be raised in manner foresaid, and shall be Incapable of any Office or Employment, Civil or Military within this Kingdom, and the Informer, if a Souldier, shall be discharged of any further Service, if he demand the same. And it is further Statute & Ordained, that the commanding officer of every Troop or Company, at the time of Muster, shall bring in a Certificat signed of the number of such Persons, as are sick, or have leave to absent upon Foreloffe, and of such as are dead and deserted since the last Muster, with the days of their deaths or desertions, and if such Certificats shall prove false, the Officer signing such a Certificat, shall be lyable to the same pain, as in the case of false Musters: As also it is Provided, that if any Officer, Commissary, or Muster-master, shall Muster any person that is a Servant, or receives Wages from any Officer, or that shall attend any Officer as a Servant, in the absence of the said Officer from his Quarters

Quarters, or shall Muster any person by a wrong Name, the said Officer, Commissary, or Muster-master shall be punished as in the case of false Musters. And it is further Statute and Ordained, that no Pay-master of the Army, Commissary, or Muster-master, or their Deputs and Servants, shall receive any Fees, or make any Deductions whatsoever out of the Pay of any Officer or Souldier, other then the usual Deductions for Cloathing, under the Pain of being punished as in the case of false Musters; and it is Declared, that the Pay-master of the Army, Commissary, or Muster-master, shall be lyable to the same Pain and Punishment in case of Contravention, by their Deputs and Servants, as if they had done it themselves; and as the Officers and Souldiers should be effectually payed, and not defrauded of their due Pay, so it is just and reasonable that they pay the Country, and not be allowed to exact free Quarter where they come. Therefore, and for freeing the Country of other Abuses and Disorders in use to be Committed by the Souldiers, The King and Queens Majesties, and the Estates of Parliament, Ratifies, Approves and Confirms an Act of Privy Council, of the date the fourteenth day of *February* last, one thousand six hundred ninety three, *anent the Ordering of the payment of Provisions for the Forces, and Redressing Abuses committed by them*, in the whole Heads, Tenors and Contents thereof; and Ordains the same to take full effect, and to be put to further execution, of the which Act the Tenor follows, *William and Mary*, by the Grace of GOD, King and Queen of *Great-Brittain, France and Ireland*, Defenders of the Faith, To

Macers of Our Privy Council, Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially Constitute, Greeting. Forasmuch as by divers Laws and Acts of Parliament made by Our Royal Predecessors, all free Quartering of Souldiers in transient or local Quarters, and all Localities for furnishing or carrying Corn, Straw, Hay, or Grass to Souldiers Horses, is expressly Prohibited and Discharged, and by an Establishment under Our Royal Hand, there being Measures laid down, and Fonds appropriat for the exact and punctual payment of the standing Forces and Garisons within this Our antient Kingdom, and a Commissary appointed for making due and regular Provisions of Corn, Straw and Grass, for the Horses and Dragoons presently under Our Pay, and in Our Service within this Our antient Kingdom, by ready Money, or otherwise as he can best Bargain with any of Our Leidges for their Corn, Straw and Grass: Whereby the Abuses heretofore done and committed upon any of Our Leidges, by the Illegal exacting Locality or free Quarter, may be Remeeded and Prevented, and all Mens-meat, and Horse-meat furnished to any Officers or Souldiers in Our Service within this Our antient Kingdom, duely payed. And We considering how necessary it is, that all Our good Subjects should know by whom, and in what manner they are to be payed for all Provisions of Corn, Straw and Grass, for Horses, and Meat and Drink to be furnished to Our Officers and Souldiers, by them or any of them; and that all Officers and Souldiers within this Our said antient Kingdom may govern and regulat themselves, and the Troops under their Command accordingly, as they will be answerable. We with Advice of the Lords of Our Privy Council, Require and Command the Commissary-General, appointed and received by the Lords of Our Thesaury, to make due and timeous Provisions of Oats, Straw and Grass, for all Horse and Dragoons at present under Our Pay, and in Our Service within this Our antient Kingdom, in their respective, transient and local Quarters: And that the same may be more orderly and effectually done, We Require and Command all Our Officers, who command the said Troops, to give timely Notice to the said Commissary of their Removal to, and from local Quarters, and of the Rout appointed for their March in transient Quarters, that Provisions may be ready accordingly. And in case any Parties be called to March upon sudden Commands, which may not be fit to impart to the Commissary: Then We with Advice foresaid, strictly Charge and Require the Commanders of the several Parties, to buy with ready Money the Oats, Straw and Grass, necessary

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for their Horses, as any other of Our Leidges is in use to do, and what he shall depurse or expend thereon: We hereby Require and Command Our said Commissary to refund and repay the same. And We with Advice of Our Privy Council, do hereby Require and Command Our Commissary-General by himself, or fit Persons imployed and intrusted by him, to attend at the Magazines which shall be provided for Our Troops at their respective Quarters, two Hours each Day, viz. betwixt ten and twelve in the Forenoon, at the least to attend the two Hours above-named upon one or more days of each Week, such as shall be particularly agreed upon betwixt the Commissary and the Officers, to the effect, the Provisions may be given out by the Commissary, and received by the Officers or Souldiers timeously, and without Disorder or Confusion, and hereby all Officers and Souldiers are peremptorly Prohibited and Discharged to offer any Injury or Abuse to Our said Commissary or his Deputs, as they will be answerable at their highest Peril: And likewise, We with Advice foresaid, peremptorly Require and Command the Officer Commanding in Chief, in any place of local or transient Quarters, to see the whole Meat and Drink furnished to the Souldiers and Officers under his Command, by the Land-Lords of their Quarters, exactly and completely payed at the ordinary Rates of the Countrey: And in case there shall be any Exaction or Discharge of free Quarters extorted, or Abatement exacted below the ordinary Rates, or any other Abuse Committed; We with Advice foresaid, Require and Command the Commanding-Officer there for the time, to make payment by ready Money for the whole Souldiers and Officers on the place in their local Quarters, once every Week at farthest, and transient Quarters before removal, if they stay a shorter time than a Week, under the pain of Casheiring and breaking the said Commanding Officer, upon Complaint of his transgressing the Premises, to be made by the Party injured to Our Privy Council, or to the Sheriff, or his Deput, Bailie of Regality, or his Deput, Stewart of the Stewartry, or his Deput, or any two Commissioners of Supply of the Bounds and Shire, where the said Abuses and Injuries are done and committed, whom or either of whom: We with Advice foresaid, Require and Command, to receive the said Complaints, and transmit the same to the Clerks of Our Privy Council, within ten days after any such Complaints shall be made to them, under the pain of being liable to repair the Party injured themselves; and which Complaints, We with Advice foresaid, appoint to be pursued by our Advocate and Solicitor upon the publick Charge. And in case any privat Party shall think fit to pursue the same themselves, We hereby Require and Command the Expences that shall be laid out by them; In Prosecution thereof, to be Repayed and Reimbursed to them by the Lords of Our Thesaury, as well as the Expences to be laid out by Our Solicitor, all which are to be retained and deduced by the said Lords of Our Thesaury, out of the Officers Pay, against whom the said Complaint is made and verified. And in case any inferiour Officer in Transient or Local Quarters, shall Transgress any of the Premises; We hereby Require and Command the commanding Officer, upon Complaint made to him and proven, instantly to pay the Complainer what shall be due to him, and if the Person complained on, be an uncommissionat Officer, the said Commander is instantly to break and Casheir him, and if he be a Commissionat-officer, who shall so Transgress; We with Advice foresaid, Require the said Commanding-officer, to Suspend him in the mean time, and immediatly to Represent the same to Our Privy Council, that they may give Orders for Breaking and Casheiring the Officer transgressing, providing the Complaints for not payment of Local-quarters, or committing any of the Abuses foresaid therein, be made to the said Commanding-officer, within eight days after a weeks Quarters are resting, or any other Abuses committed, and in Transient-quarters; before the Parties removal, with certification, if payment be not craved; or Complaints made within the time foresaid, the Commanding-officer shall be free, but prejudice to the Land-lords
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and others, to seek their Payment and Reparation from the Persons Debtors therein, or Committers thereof, by all other legal means, and it shall be sufficient evidence, that the Commanding-officer has been complained to, and required to make payment of Provisions furnished to Souldiers, Men, and Horses under his Command, or redress Abuses committed by them, if the same be made to him, in presence of a Magistral within Burgh, a Justice of Peace or two Witnesses. And We with Advice foresaid, do Declare, that no Discharges, shall be sufficient for exonerating the Souldiers and Officers; and instructing the payment of their Quarters, unless they be Subscribed by the Master of the Ground, or his Chamberlain, or the Officer of the Ground before two Witnesses, or a Magistral within Burgh. And for preventing of a common Abuse done and committed upon our Leiges, by Souldiers and Officers, in their marches Pressing and Seasing upon Horses, for their own privat Use and Service. We with Advice foresaid, do strictly Prohibit and Discharge all pressing or seasing upon Horses by any Officer or Souldier, for their own particular and privat Services, under the pain of a moneths Pay, to be retained (upon complaint to be made and instructed as aforesaid) off the Officer who commands, and where Horses are necessary for carrying Artillery, Amunition, or Provision, or any other use of the Army, in the Towns, or in the Countrey, that the same be imployed and made use of, by order of the Commander of the Party, and of the Magistrats of the Burghs jointly. If the Horses be furnished within Burgh: And by the said Commander, and any one of the Commissioners of Supply within the Shire, where the Horses are furnished and made use of in Landwart. And We with Advice foresaid, conform to the third Act, Parliament One Thousand six Hundred and Eightie one, wherein that there be payed for each day, that the saids Horses shall Travel, three shilling Scots for each two miles to the Man and Horse, and each day that they do not Travel, six shilling Scots to the Man, and as much for the Horse, the Man being obliged to provide himself and the Horse, which shall be payed by the Magistrats of the Burgh, if the Horses be taken within a Town, or if in the Countrey, by the Collector of the Supply in the Shire, who are to be Repayed thereof, or to have the same allowed to them by the Receiver-general. And that the Horses necessary to be made use of, and imployed for the Service, and use of our Forces above expressed, may be the more Regularly and Equally proportioned and provided: We with Advice foresaid, Require and Command the Magistrats within Burghs, and Commissioners of Supply, and Justices of Peace in Landwart, to cause provide from time to time a competent number of Horses, within their respective Bounds, for the Service of our Forces, and uses foresaid, as they will be answerable at their Peril. And We with Advice foresaid, Prohibit and Discharge any Officer or Soldier to Sease upon, or Press any Horses, without the concurrence of the Persons above-named, or to detain them longer than one days March at farthest; but to restore and give back the saids Horses, imployed in the manner foresaid in good case, under the pain of a months Pay to be retained in manner foresaid, off the Officer who shall be found to contraven the Premisses, besides the payment of the Price of the Horse to the Furnisher, as the same shall be instructed before the Bailies within Burgh, Sheriffs, Stewarts, Bailies of Regalities, or Deputs, or Justices of Peace in the Countrey. And to the end, Our Royal Pleasure in the Premisses, may be made publick and known. OUR WILL IS, and We Charge you strictly and Command, that incontinent these Our Letters seen, ye pass to the Merkat Cross of *Edinburgh*, and all other Merkat Crosses of the Head-burghs of this Kingdom, als well Royalty as Regalitie and Stewartrie, and other places needful, and there in Our Name and Authority, by open Proclamation, make publication of the Premisses: And likewise, that all Our Forces as well as our Leidges, may have notice hereof. We do Require and Command, these presents to be publicly read, at the Head of every Troop, and Company of our standing Forces, that none may pretend

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ignorance. Given under Our Signet at *Edinburgh*, the fourteenth day of *February*, and of Our Reign the fourth year, one thousand six hundred and ninety three. With this Addition, that in the case of either local or transient Quarters; if any Officer, or Souldier shall not make due payment, conform to the said Act of Privy Council, of what they take on in their Quarters, or shall commit any Abuses in their Quarters, it shall be lawful and leifum to the Land-lord, upon whom the Souldier was quartered, to instruct before a Justice of Peace, or a Commissioner of Excise and Assessment, Magistrat of Burgh, or the next Neighbouring Heretor, by Witness, or the Oath of the Party lesed, what was taken on by the Officers or Souldiers, or what Damages were done by them in their Quarters; which being instructed, and liquidat as said is, the Justice of Peace, and Commissioner of Excise and Assessment, Magistrat of Burgh, or the Neighbouring Heretor, before whom the Value of the said Quartering or Damage shall be instructed & liquidat, shall be holden & obliged to give the Land-lord, upon whom the Officer or Souldier were quartered; a Declaration bearing the value of the Quartering and Damages sustained: And Ordains the Collector of the Shire to give Allowance of the same to the Land-lord, out of the fore-end of his Cess or Excise, & that the Collector of the Shire shall have allowance thereof from the General Receiver; And in case the Land-lord be a Tennent, or other person that is neither lyable for Cess or Excise; In this Case, the Heretor of the Ground shall have allowance of the same, out of the fore-end of his Cess or Excise, due and payable by him, to the effect that the Tennent may get payment thereof. And Ordains the Collectors of the Cess and Excise, to give allowance to the Land-lord, or Heretor of the Ground of the Sum that shall be contained in the said Declaration out of the fore-end of the Land-lord or Heretors Cess or Excise, and the Collectors are appointed to give account thereof to the General Commissary, or paymaster of the Army, that he may retain the same off the fore-end of the Officer or Soldiers Pay. And it is hereby declared, that if the Officer first applyed to, as is appointed by the foresaid Proclamation, shall not give Redress, then the Officers Pay shall be lyable as well as the Souldiers Pay, and the Collector and General Receiver shall give allowance accordingly, and the Collector and General Receiver, are ordained to give the said allowance, under the pain of Deprivation, by and attour the resounding of the Damage of the Partie lesed. And Ordains this Act to be publickly read upon the head of every Regiment, Troop, or Company, every time the same is mustered, that due Obedience may be given thereto.

Extracted forth of the Records of Parliament, by

T A R B A T. Clk. Registr.

God save King VVilliam and Queen Mary.

Edinburgh, Printed by the Heir of Andrew Anderson, Printer to their most Excellent Majesties, Anno 1693.